

THURSDAY, MAY 1, 1997

THIRTY-SEVENTH LEGISLATIVE DAY

The House met at 9:00 a.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by David Copeland

Representative Curtiss led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present ..... 97

Representatives present were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Huskey; illness

Representative U. Jones; medical appointment

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Resolution No. 55:** Rep(s). Patton, Ford, Whitson, Cole (Carter) and Tidwell as prime sponsor(s).

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**House Joint Resolution No. 230:** Rep(s). Naifeh as prime sponsor(s).

**House Bill No. 94:** Rep(s). Pleasant as prime sponsor(s).

**House Bill No. 336:** Rep(s). McDaniel and Stamps as prime sponsor(s).

**House Bill No. 407:** Rep(s). Sargent, Langster and Williams as prime sponsor(s).

**House Bill No. 557:** Rep(s). Eckles as prime sponsor(s).

**House Bill No. 1075:** Rep(s). Fraley as prime sponsor(s).

**House Bill No. 1265:** Rep(s). Bittle as prime sponsor(s).

**House Bill No. 1286:** Rep(s). Langster as prime sponsor(s).

**House Bill No. 1638:** Rep(s). Pruitt as prime sponsor(s).

**House Bill No. 1720:** Rep(s). Fraley and Hood as prime sponsor(s).

**MESSAGE FROM THE SENATE**

**May 1, 1997**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 236; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**May 1, 1997**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 186, 292, 396, 688, 739, 846, 1204, 1573, 1661, 1736, 1913, 1918, 1945, 1987, 1988 and 1989; all passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**\*Senate Bill No. 186 --** Driver Licenses - Prohibits issuance of restricted commercial driver license for operating school bus; prohibits issuance of school bus driver endorsements to persons convicted of DUI. Amends TCA Title 55, Chapter 50. by \*Springer, \*Williams.

**\*Senate Bill No. 292 --** Municipal Government - Adds Davidson County to those counties authorized to condemn blighted and deteriorated property for redevelopment; present law applies to Loudon, Henry, Roane, Bradley, Madison, Hamilton, Knox, and Shelby. Amends TCA Section 13-21-208. by \*Haynes.

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**\*Senate Bill No. 396** -- Tort Liability - Enacts "Tennessee Anti-SLAPP Act of 1997". by \*Cohen.

**Senate Bill No. 688** -- Funeral Directors and Embalmers - Requires funeral directors and embalmers to obtain ten hours of continuing education in mortuary science before renewing licenses; sets requirements for offering continuing education courses. Amends TCA Section 62-5-101 and Title 62, Chapter 5, Part 3. by \*Ford J.

**\*Senate Bill No. 739** -- Election Laws - Removes requirement that candidates and PACs report dates of receipts of contributions and expenditures. Amends TCA Section 2-10-107(a) and (c) and Section 2-10-105(a) and (b). by \*Kyle.

**\*Senate Bill No. 846** -- Private Protective Services - Deletes authorization for commissioner to appoint designees to act for commissioner in regard to regulation of security guards/officers. Amends TCA Title 62, Chapter 35. by \*McNally, \*Person.

**\*Senate Bill No. 1204** -- Children - Reinstates definition of "abandonment" in TCA Title 37 (same definition as in TCA Title 36). Amends TCA Section 37-2-402. by \*Kyle.

**\*Senate Bill No. 1573** -- Insurance, Health, Accident - Mandates insurance coverage for care required for treatment of diabetes; also requires coverage for outpatient self-management training and educational services, including medical nutrition therapy when prescribed by a physician. Amends TCA Title 56, Chapter 7, Part 26. by \*Gilbert, \*Gilbert, \*Crowe, \*McNally, \*Cooper, \*Atchley, \*Burks, \*Carter, \*Cohen, \*Cooper, \*Crutchfield, \*Dixon, \*Elsea, \*Fowler, \*Graves, \*Haun, \*Haynes, \*Henry, \*Kurita, \*Kyle, \*Leatherwood, \*Miller J, \*Person, \*Springer, \*Wilder, \*Williams.

**Senate Bill No. 1661** -- Sentencing - Institutes technical violator unit as alternative to state penal facility confinement. Amends TCA Title 40, Chapter 20. by \*Fowler, \*Elsea, \*McNally, \*Atchley, \*Person, \*Gilbert, \*Jordan, \*Koella, \*Haun, \*Carter, \*Ramsey, \*Leatherwood, \*Miller J, \*Williams.

**Senate Bill No. 1736** -- County Government - Upon adoption of resolution by county legislative body, requires trustee to accept property taxes after July 10 but prior to first Monday in October, after tax rates are set, tax rolls received and receipts are prepared. Amends TCA Title 5, Chapter 22 and Title 67, Chapter 1. by \*Jordan.

**Senate Bill No. 1913** -- State Prisoners - Requires warden of penitentiary to notify person collecting dead body of a prisoner and appropriate funeral home of any bloodborne communicable diseases of such prisoner. Amends TCA Title 41, Chapter 51. by \*Burks.

**Senate Bill No. 1918** -- Salaries and Benefits - Authorizes sick leave banks to grant more than 90 days of leave for extended illnesses, as defined by the board of trustees, and subject to donations of leave for that purpose. Amends TCA Title 8, Chapter 50, Part 9 and Title 49, Chapter 5, Part 8. by \*Burks, \*Harper, \*Kurita, \*Springer, \*Wormack.

**THURSDAY, MAY 1, 1997 -- THIRTY-SEVENTH LEGISLATIVE DAY**

**\*Senate Bill No. 1945** -- Gas, Petroleum Products, Volatile Oils - Designates short title of TCA Title 67, Chapter 3, Part 1, as "Petroleum Products and Alternative Fuels Tax Law." Amends TCA Title 67, Chapter 3, by \*McNally, \*Atchley, \*Jordan, \*Koella, \*Ramsey, \*Carter, \*Eisea, \*Person, \*Leatherwood, \*Crowe.

**Senate Bill No. 1987** -- Cheatham County - Subject to local approval, authorizes tax on new commercial development. by \*Kurita.

**Senate Bill No. 1988** -- Cheatham County - Subject to local approval, authorizes tax on new industrial development. by \*Kurita.

**Senate Bill No. 1989** -- Cheatham County - Subject to local approval, authorizes privilege tax on new residential development. by \*Kurita.

**SIGNED  
May 1, 1997**

The Speaker signed the following: Senate Bill(s) No(s). 79, 84, 92, 97, 98, 101, 166, 382, 559, 857, 929, 1609, 216, 496, 1686 and 1722; also, Senate Joint Resolution(s) No(s). 58, 160, 191, 192, 193, 194, 195 and 209.

**ENROLLED BILLS  
May 1, 1997**

The following bill(s) have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Joint Resolution(s) No(s). 236.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**SIGNED  
May 1, 1997**

The Speaker signed the following: House Joint Resolution(s) No(s). 236

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**ENGROSSED BILLS  
May 1, 1997**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s) 224.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE GOVERNOR**

**May 1, 1997**

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 1971, with his approval.

COURTNEY PEARRE, Counsel to the Governor.

**MESSAGE FROM THE SENATE**

**May 1, 1997**

MR. SPEAKER: I am directed to return to the House, Senate Bill(s) No(s). 529, as requested.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**May 1, 1997**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 345. The Senate lifted the tabling motion on the bill; reconsidered passage; reconsidered adoption of Amendment No. 3; withdrew Amendment No. 3; adopted Amendment No. 5; then repassed the bill on third and final consideration, as amended.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**May 1, 1997**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 414; passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**\*Senate Bill No. 414** -- Environment and Conservation, Department of - Enacts "Tennessee Lead Based Paint Abatement Training Certification Program of 1997.". by \*Dixon.

**MESSAGE FROM THE SENATE**

**May 1, 1997**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1901; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**May 1, 1997**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 224; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**May 1, 1997**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 203, 205, 206, 208, 209, 210 and 218; all concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**ENGROSSED BILLS**

**May 1, 1997**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 227, 228, 230, 232, 233, 234 and 237.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

**May 1, 1997**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1106; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**May 1, 1997**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 622; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**May 1, 1997**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1159; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**May 1, 1997**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 225 and 236; both signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**May 1, 1997**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 51 and 253; both for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**ENROLLED BILLS**

**May 1, 1997**

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bill(s) No(s). 228, 280, 421, 1063, 1730, 1978, 1983 and 1984; House Joint Resolution(s) No(s). 203, 205, 206, 208, 209, 210, 218 and 224; also, House Resolution(s) No(s). 55 and 70.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**ENGROSSED BILLS**

**May 1, 1997**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 899, 1014, 1056 and 1075.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**SIGNED**

**May 1, 1997**

The Speaker signed the following: House Bill(s) No(s). 228, 280, 421, 1063, 1730, 1978, 1983 and 1984; House Joint Resolution(s) No(s). 203, 205, 206, 208, 209, 210, 218 and 224; also, House Resolution(s) No(s). 55 and 70.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

**May 1, 1997**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 203, 204, 205, 206, 207, 208, 210, 211 and 212; all adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**THURSDAY, MAY 1, 1997 -- THIRTY-SEVENTH LEGISLATIVE DAY**

**Senate Joint Resolution No. 203** -- Memorials, Retirement - Sergeant Stuart Venable. by \*Springer.

**Senate Joint Resolution No. 204** -- Memorials, Sports - 1996-1997 Cleveland High School boys' basketball team, TSSAA Class AAA state champions. by \*Miller J.

**Senate Joint Resolution No. 205** -- Memorials, Public Service - Robert I. Sharp, Rotary Citizen of the Year. by \*McNally.

**Senate Joint Resolution No. 206** -- Naming and Designating - "Marguerite Henry Day," April 13, 1997. by \*Jordan.

**Senate Joint Resolution No. 207** -- Memorials, Death - Dorothy Atwood Triplett. by \*Crowe.

**Senate Joint Resolution No. 208** -- Memorials, Professional Achievement - Dr. Carl Gerber. by \*Crowe, \*Ramsey.

**Senate Joint Resolution No. 210** -- Memorials, Public Service - Billy Portis. by \*Herron.

**Senate Joint Resolution No. 211** -- Memorials, Death - Ed Schoenberger, Chief Ranger for Tennessee State Parks. by \*Henry, \*Jordan.

**Senate Joint Resolution No. 212** -- Memorials, Retirement - E.W. "Bud" Wendell, President and CEO of Gaylord Entertainment Company. by \*Henry, \*Jordan, \*Harper, \*Haynes, \*Kyle.

**PERSONAL ORDERS**

**RULES SUSPENDED**

Rep. Sharp moved to suspend the rules to remove House Joint Resolution No. 224 from the Consent Calendar and be immediately considered, which motion prevailed.

**RECOGNITION IN THE WELL**

Rep. Sharp was recognized in the Well to honor the East Ridge High School softball team.

**RULES SUSPENDED**

Rep. Sharp moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 224 out of order, which motion prevailed.

**House Joint Resolution No. 224** -- Memorials, Sports - East Ridge High School softball team, state champions. by \*Sharp.



## THURSDAY, MAY 1, 1997 -- THIRTY-SEVENTH LEGISLATIVE DAY

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Sharp, with the request that all members voting aye be added as sponsors, the resolution was adopted by the following vote:

Ayes.....	97
Noes .....	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

### INTRODUCTION OF RESOLUTIONS

On motion, pursuant to **Rule No. 17**, the resolution(s) listed was/were introduced and referred to the appropriate Committee:

**\*House Resolution No. 71** -- General Assembly, Studies - Creates special committee to study availability and pricing of day care and related topics. by \*Caldwell.

Children and Family Affairs Committee

### RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for May 5, 1997:

**House Resolution No. 72** -- Naming and Designating - "National Teachers' Day," May 6, 1997. by \*Davidson.

**House Joint Resolution No. 239** -- Memorials, Sports - 1996-1997 Hardin County girls' basketball team, TSSAA state tournament participants. by \*Rinks.

**SENATE JOINT RESOLUTIONS  
(Congratulatory and Memorializing)**

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Consent Calendar for May 5, 1997:

**Senate Joint Resolution No. 203** -- Memorials, Retirement - Sergeant Stuart Venable. by \*Springer.

**Senate Joint Resolution No. 204** -- Memorials, Sports - 1996-1997 Cleveland High School boys' basketball team, TSSAA Class AAA state champions. by \*Miller J.

**Senate Joint Resolution No. 205** -- Memorials, Public Service - Robert I. Sharp, Rotary Citizen of the Year. by \*McNally.

**Senate Joint Resolution No. 206** -- Naming and Designating - "Marguerite Henry Day," April 13, 1997. by \*Jordan.

**Senate Joint Resolution No. 207** -- Memorials, Death - Dorothy Atwood Triplett. by \*Crowe.

**Senate Joint Resolution No. 208** -- Memorials, Professional Achievement - Dr. Carl Gerber. by \*Crowe, \*Ramsey.

**Senate Joint Resolution No. 210** -- Memorials, Public Service - Billy Portis. by \*Herron.

**Senate Joint Resolution No. 211** -- Memorials, Death - Ed Schoenberger, Chief Ranger for Tennessee State Parks. by \*Henry, \*Jordan.

**Senate Joint Resolution No. 212** -- Memorials, Retirement - E.W. "Bud" Wendell, President and CEO of Gaylord Entertainment Company. by \*Henry, \*Jordan, \*Harper, \*Haynes, \*Kyle.

**INTRODUCTION OF BILLS**

On motion, the following bills were introduced and passed first consideration:

**House Bill No. 1990** -- Ashland City - Subject to local approval, enacts "Ashland City Municipal Adequate Facilities Tax.". by \*Williams (Williamson). (SB1998 by \*Kurita)

**House Bill No. 1991** -- Kingston Springs - Subject to local approval, enacts "Kingston Springs Municipal Adequate Facilities Tax.". by \*Williams (Williamson). (SB1996 by \*Kurita)

**House Bill No. 1992** -- Pegram - Subject to local approval, enacts "Pegram Municipal Adequate Facilities Tax.". by \*Williams (Williamson). (SB1997 by \*Kurita)

**House Bill No. 1993** -- Weakley County - Subject to local approval, increases litigation tax on criminal cases from \$1.00 to \$2.00 per case; permits use of such funds for jail and courthouse as well as library. Amends Chapter 175 of the Private Acts of 1978. by \*Maddox.

**SENATE BILLS TRANSMITTED**

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

**\*Senate Bill No. 186** -- Driver Licenses - Prohibits issuance of restricted commercial driver license for operating school bus; prohibits issuance of school bus driver endorsements to persons convicted of DUI. Amends TCA Title 55, Chapter 50. by \*Springer, \*Williams. (HB780)

**\*Senate Bill No. 292** -- Municipal Government - Adds Davidson County to those counties authorized to condemn blighted and deteriorated property for redevelopment; present law applies to Loudon, Henry, Roane, Bradley, Madison, Hamilton, Knox, and Shelby. Amends TCA Section 13-21-208. by \*Haynes. (HB1638)

**\*Senate Bill No. 396** -- Tort Liability - Enacts "Tennessee Anti-SLAPP Act of 1997". by \*Cohen. (HB535)

**Senate Bill No. 688** -- Funeral Directors and Embalmers - Requires funeral directors and embalmers to obtain ten hours of continuing education in mortuary science before renewing licenses; sets requirements for offering continuing education courses. Amends TCA Section 62-5-101 and Title 62, Chapter 5, Part 3. by \*Ford J. (\*HB460)

**\*Senate Bill No. 739** -- Election Laws - Removes requirement that candidates and PACs report dates of receipts of contributions and expenditures. Amends TCA Section 2-10-107(a) and (c) and Section 2-10-105(a) and (b). by \*Kyle. (HB1574)

**\*Senate Bill No. 846** -- Private Protective Services - Deletes authorization for commissioner to appoint designees to act for commissioner in regard to regulation of security guards/officers. Amends TCA Title 62, Chapter 35. by \*McNally, \*Person. (HB984)

**\*Senate Bill No. 1204** -- Children - Reinstates definition of "abandonment" in TCA Title 37 (same definition as in TCA Title 36). Amends TCA Section 37-2-402. by \*Kyle. (HB1161)

**\*Senate Bill No. 1573** -- Insurance, Health, Accident - Mandates insurance coverage for care required for treatment of diabetes; also requires coverage for outpatient self-management training and educational services, including medical nutrition therapy when prescribed by a physician. Amends TCA Title 56, Chapter 7, Part 26. by \*Gilbert, \*Gilbert, \*Crowe, \*McNally, \*Cooper, \*Atchley, \*Burks, \*Carter, \*Cohen, \*Cooper, \*Crutchfield, \*Dixon, \*Elsa, \*Fowler, \*Graves, \*Haun, \*Haynes, \*Henry, \*Kurita, \*Kyle, \*Leatherwood, \*Miller J, \*Person, \*Springer, \*Wilder, \*Williams. (HB1307)

**THURSDAY, MAY 1, 1997 -- THIRTY-SEVENTH LEGISLATIVE DAY**

**Senate Bill No. 1661** -- Sentencing - Institutes technical violator unit as alternative to state penal facility confinement. Amends TCA Title 40, Chapter 20. by \*Fowler, \*Elsea, \*McNally, \*Atchley, \*Person, \*Gilbert, \*Jordan, \*Koella, \*Haun, \*Carter, \*Ramsey, \*Leatherwood, \*Miller J, \*Williams. (\*HB1265)

**Senate Bill No. 1736** -- County Government - Upon adoption of resolution by county legislative body, requires trustee to accept property taxes after July 10 but prior to first Monday in October, after tax rates are set, tax rolls received and receipts are prepared. Amends TCA Title 5, Chapter 22 and Title 67, Chapter 1. by \*Jordan. (\*HB1485)

**Senate Bill No. 1913** -- State Prisoners - Requires warden of penitentiary to notify person collecting dead body of a prisoner and appropriate funeral home of any bloodborne communicable diseases of such prisoner. Amends TCA Title 41, Chapter 51. by \*Burks. (\*HB1765)

**Senate Bill No. 1918** -- Salaries and Benefits - Authorizes sick leave banks to grant more than 90 days of leave for extended illnesses, as defined by the board of trustees, and subject to donations of leave for that purpose. Amends TCA Title 8, Chapter 50, Part 9 and Title 49, Chapter 5, Part 8. by \*Burks, \*Harper, \*Kurita, \*Springer, \*Womack. (\*HB1895)

**\*Senate Bill No. 1945** -- Gas, Petroleum Products, Volatile Oils - Designates short title of TCA Title 67, Chapter 3, Part 1, as "Petroleum Products and Alternative Fuels Tax Law." Amends TCA Title 67, Chapter 3. by \*McNally, \*Atchley, \*Jordan, \*Koella, \*Ramsey, \*Carter, \*Elsea, \*Person, \*Leatherwood, \*Crowe. (HB1817)

**Senate Bill No. 1987** -- Cheatham County - Subject to local approval, authorizes tax on new commercial development. by \*Kurita. (HB1981)

**Senate Bill No. 1988** -- Cheatham County - Subject to local approval, authorizes tax on new industrial development. by \*Kurita. (HB1979)

**Senate Bill No. 1989** -- Cheatham County - Subject to local approval, authorizes privilege tax on new residential development. by \*Kurita. (HB1980)

**HOUSE BILLS ON SECOND CONSIDERATION**

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

**House Bill No. 1988** -- Chester County -- Local Bill Held on House Desk

**House Bill No. 1989** -- Obion -- Local Bill Held on House Desk

**REPORTS FROM STANDING COMMITTEES**

The committees that met on **May 1, 1997**, reported the following:

**COMMITTEE ON CALENDAR AND RULES**

The Calendar and Rules Committee met and set the following bill(s) on the **Regular Calendar** for **May 5, 1997**: House Bill(s) No(s).902, 1592 and 357.

The Committee set the following bill(s) and/or resolution(s) on the **Regular Calendar** for **May 7, 1997**: House Bill(s) No(s). 1661, 639, 1053, 1161, 1441, 392, 1353, 798, 800, 801, 760, 761, 768 and 772.

The Committee set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **May 5, 1997**: House Bill(s) No(s).686, 183, 1218, 1961, 1721, 799, 757, 758, 1337 and Senate Joint Resolution(s) No(s). 153.

**CONSENT CALENDAR**

**House Resolution No. 70** -- Memorials, Professional Achievement - Carlos Cantu, Horatio Alger Award. by \*Scroggs.

**House Joint Resolution No. 227** -- Memorials, Public Service - Kerry Leigh Lovelace, Adopt-A-School Program. by \*Eckles.

**House Joint Resolution No. 228** -- Memorials, Personal Achievement - Baxter Wilson, Reader's Digest, Kindness of Strangers. by \*Windle.

**House Joint Resolution No. 230** -- Memorials, Professional Achievement - Tom "Black Cat" Reilly, 68th anniversary, Nashville Banner. by \*Kent.

**House Joint Resolution No. 232** -- Memorials, Interns - Sheryl Denise Neal. by \*Turner (Shelby), \*West, \*Jones, S..

**House Joint Resolution No. 233** -- Memorials, Interns - Leslie Collen Griffin. by \*West, \*Jones, S., \*Turner (Shelby).

**House Joint Resolution No. 234** -- Memorials, Professional Achievement - Faye Johnson, President, League of Women Voters. by \*Hood, \*Eckles, \*Beavers.

**House Joint Resolution No. 237** -- Memorials, Professional Achievement - Rhea County Health Department, "Tennessee Local Health Department of the Year award.". by \*Walker.

On motion of Rep. Sharp, House Joint Resolution No. 234 was previously removed from the Consent Calendar and adopted.

**THURSDAY, MAY 1, 1997 -- THIRTY-SEVENTH LEGISLATIVE DAY**

Rep. Hargrove moved that all members voting aye on House Joint Resolution No. 230 be added as sponsors, which motion prevailed.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes..... 95  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

**REGULAR CALENDAR**

**House Bill No. 563** -- Pensions and Retirement Benefits - Revises death benefits and disability retirement benefits in TCRS. Amends TCA Title 8, Chapter 36, Parts 1 and 5; Section 8-36-701(a)(3) and Section 8-37-104. by \*Rhinehart, \*Curtiss. (\*SB770 by \*Atchley)

On motion, House Bill No. 563 was made to conform with **Senate Bill No. 770**; the Senate Bill was substituted for the House Bill.

Rep. Rhinehart moved the Senate Bill No. 770 be passed on third and final consideration.

On motion, Rep. Rhinehart withdrew Council on Pension and Insurance Amendment No. 1.

Rep. Rhinehart moved that **Senate Bill No. 770** be passed on third and final consideration, which motion prevailed by the following vote:

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Ayes..... 95  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

**\*House Bill No. 1519** -- State Employees - Revises provisions for public and university employee insurance. Amends TCA Title 27, Chapter 8. by \*Rhinehart. (SB1714 by \*Atchley)

Rep. Rhinehart moved that House Bill No(s). 1519 be reset for the Regular Calendar on Thursday, May 8, 1997, which motion prevailed.

**House Bill No. 1056** -- Computers and Data Processing - Allows ISSD to lease state communication services to public and private agencies and to license or sell state information systems to vendor. Amends TCA Title 4, Chapter 3. by \*Rhinehart, \*Kisber. (\*SB1050 by \*Wornack, \*Atchley, \*Henry)

Rep. Rhinehart moved that House Bill No. 1056 be passed on third and final consideration.

Rep. Langster moved adoption of State and Local Government Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 1056 by deleting Section 2 in its entirety and by substituting instead:

SECTION 2. Tennessee Code Annotated, Title 4, Chapter 3, is amended by adding the following as a new section:

Section 4-3-550\_\_\_. Definitions. As used in this part, unless the context otherwise requires:

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(1) "Local government" means any county, municipality, city or other political subdivision of this state, including any school districts or school systems created thereby;

(2) "Public agency" means a state agency, local government, an institution under the control of the University of Tennessee or the Tennessee Board of Regents, the judicial department, the legislative department, a special school district or any other local public school system or school district created or authorized by the general assembly, a public library operated by any unit or agency of local or state government, a museum owned or operated by the state or any political subdivision of the state, or an agency or instrumentality of the federal government;

(3) "State communications" refers to the transmission of voice, data, video, the written word or other visual signals by electronic means but does not include broadcast radio and television facilities.

AND FURTHER AMEND by deleting the words "and private" from subsection (a) of the amendatory language of Section 3.

Rep. Rhinehart requested that House Bill No. 1056 be moved down 5 places on the Calendar.

**House Bill No. 1464** -- Election Laws - Permits rearrangement of names on voting machine ballot so machine will accommodate entire ballot. Amends TCA Title 2, Chapter 5, Part 2. by \*Jones U (Shelby), \*DeBerry J, \*Turner (Shelby), \*Chumney, \*Cooper B, \*Towns, \*Brooks. (\*SB888 by \*Dixon)

Further consideration of House Bill No. 1464, previously considered on April 3, 1997, and reset to today's Calendar.

Rep. Langster moved that House Bill No(s). 1464 be reset for the Regular Calendar on Thursday, May 8, 1997, which motion prevailed.

**House Bill No. 1385** -- Workers' Compensation - Adds representative of Tennessee Trial Lawyers Association to workers' compensation advisory board. Amends TCA Section 50-6-121. by \*Jones, S.. (\*SB643 by \*Person)

Further consideration of House Bill No. 1385, previously considered on April 3, 1997, and reset to today's Calendar.

On motion, House Bill No. 1385 was made to conform with **Senate Bill No. 643**; the Senate Bill was substituted for the House Bill.



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Rep. S. Jones moved that Senate Bill No. 643, be passed on third and final consideration.

On motion, Rep. West withdrew Consumer & Employee Affairs Committee Amendment No. 1.

Rep. S. Jones moved that **Senate Bill No. 643** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	78
Noes .....	11
Present and not voting .....	2

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Caldwell, Chumney, Cole (Carter), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Goins, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Hood, Jackson, Jones S., Kent, Kernell, Kerr, Langster, Lewis, Maddox, McDaniel, McDonald, McMillan, Miller, Newton, Odom, Patton, Phillips, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Robinson, Sands, Sargent, Scroggs, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Mr. Speaker Naifeh -- 78.

Representatives voting no were: Bittle, Burchett, Clabough, Cole (Dyer), Gunnels, Hicks, McKee, Pinion, Roach, Sharp, Wood -- 11.

Representatives present and not voting were: Godsey, Walker -- 2.

A motion to reconsider was tabled.

**House Bill No. 264** -- Purchasing - Permits local governments to make purchases of goods and services through federal GSA or other applicable federal open purchase contracts, to extent permitted by federal law. Amends TCA Title 12, Chapter 3, Part 10. by \*Eckles. (\*SB165 by \*Womack, \*Dixon)

Rep. Eckles moved that House Bill No(s). 264 be reset for the Regular Calendar on Monday, April 5, 1997, which motion prevailed.

**House Bill No. 1720** -- Motor Vehicles - Allows odometers to be reset to zero following repair or service if actual mileage and date of change are noted on permanently attached plate riveted to door. Amends TCA Sections 39-14-132, 47-18-104, and 55-17-114. by \*Eckles, \*Godsey, \*Westmoreland, \*Ridgeway. (\*SB1764 by \*Womack)

On motion, House Bill No. 1720 was made to conform with **Senate Bill No. 1764**; the Senate Bill was substituted for the House Bill.

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Rep. Eckles moved that Senate Bill No. 1764, be passed on third and final consideration.

CHAIR TO DEBERRY

Mr. Speaker Naifeh relinquished the Chair to Rep. DeBerry, Speaker pro tempore.

REGULAR CALENDAR, CONTINUED

On motion, Rep. West withdrew Consumer & Employee Affairs Committee Amendment No. 1.

Rep. Eckles moved that **Senate Bill No. 1764** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 96  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

**\*House Resolution No. 55** -- General Assembly, Review Or Ratification of Rules - Approves change in component of basic education program formula. by \*Davidson, \*Rhinehart, \*Winningham.

Rep. Davidson moved adoption of House Resolution No. 55.

Rep. Rhinehart moved the previous question, which motion prevailed.

Rep. Davidson moved adoption of **House Resolution No. 55**, which motion prevailed by the following vote:

Ayes..... 86  
Noes ..... 9

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Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bone, Boner, Bowers, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Fitzhugh, Ford, Fowlkes, Fraley, Givens, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Jackson, Jones S., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 86.

Representatives voting no were: Bittle, Boyer, Dunn, Eckles, Ferguson, Godsey, Hood, Ritchie, Westmoreland -- 9.

A motion to reconsider was tabled.

**REQUEST TO CHANGE VOTE**

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from aye to present and not voting on House Resolution No. 55 and have this statement entered in the Journal: Rep(s). Beavers.

**REGULAR CALENDAR, CONTINUED**

**House Bill No. 1056** -- Computers and Data Processing - Allows ISSD to lease state communication services to public and private agencies and to license or sell state information systems to vendor Amends TCA Title 4, Chapter 3. by \*Rhinehart, \*Kisber. (\*SB1050 by \*Womack, \*Atchley, \*Henry)

Further consideration of House Bill No. 1056, previously considered on today's Calendar, at which time the House was on the motion to adopt Amendment No. 1.

Rep. Rhinehart moved that House Bill No. 1056 be passed on third and final consideration.

**CHAIR TO SPEAKER**

Mr. Speaker Naifeh resumed the Chair.

**REGULAR CALENDAR, CONTINUED**

Rep. Langster moved adoption of State and Local Government Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 1056 by deleting Section 2 in its entirety and by substituting instead:

SECTION 2. Tennessee Code Annotated, Title 4, Chapter 3, is amended by adding the following as a new section:

Section 4-3-550\_\_\_. Definitions. As used in this part, unless the context otherwise requires:

(1) "Local government" means any county, municipality, city or other political subdivision of this state, including any school districts or school systems created thereby;

(2) "Public agency" means a state agency, local government, an institution under the control of the University of Tennessee or the Tennessee Board of Regents, the judicial department, the legislative department, a special school district or any other local public school system or school district created or authorized by the general assembly, a public library operated by any unit or agency of local or state government, a museum owned or operated by the state or any political subdivision of the state, or an agency or instrumentality of the federal government;

(3) "State communications" refers to the transmission of voice, data, video, the written word or other visual signals by electronic means but does not include broadcast radio and television facilities.

AND FURTHER AMEND by deleting the words "and private" from subsection (a) of the amendatory language of Section 3.

On motion, Amendment No. 1 was adopted.

Rep. Rhinehart moved that Amendment No. 2 be withdrawn, which motion prevailed.

Rep. Kisber moved adoption of Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 3 as follows:

**Amendment No. 3**

AMEND House Bill No. 1056 by adding the following language at the end of the amendatory section in the original Section 4:

However, any license or sale of the legislature's information systems interest or copyright shall be subject to the approval of the speaker of the senate and the speaker of the house of representatives.

On motion, Amendment No. 3 was adopted.

Rep. Kisber moved adoption of Amendment No. 4 as follows:

**Amendment No. 4**

AMEND House Bill No. 1056 by adding to the amendatory language of Section 2, as amended, the following new subdivision:

( ) "Private Agency" means an accredited nonpublic school or a nonprofit institution of higher education eligible for tuition grants;

AND FURTHER AMEND by deleting from house amendment #1 the following language:

"AND FURTHER AMEND by deleting the words "and private" from subsection (a) of the amendatory language of Section 3."

On motion, Amendment No. 4 was adopted.

Rep. Rhinehart moved that **House Bill No. 1056**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	93
Noes .....	0
Present and not voting.....	3

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

Representatives present and not voting were: Brooks, Brown, Towns -- 3.

A motion to reconsider was tabled.

**\*House Bill No. 1265** -- Sentencing - Institutes technical violator unit as alternative to state penal facility confinement. Amends TCA Title 40, Chapter 20. by \*Westmoreland, \*Davis R, \*Haley, \*Hargett, \*Pleasant, \*McDaniel, \*Stamps, \*Walley, \*Ford S, \*Wood, \*Patton, \*Kerr, \*Beavers, \*Kent, \*Bird, \*Clabough, \*McKee, \*Newton, \*Scroggs, \*Godsey, \*Halteman Harwell, \*Goins, \*Walker, \*McAfee, \*Mumpower, \*Roach, \*Boyer. (SB1661 by \*Fowler, \*Elsa, \*McNally, \*Atchley, \*Person, \*Gilbert, \*Jordan, \*Koella, \*Haun, \*Carter, \*Ramsey, \*Leatherwood, \*Miller J)

Further consideration of House Bill No. 1265, previously considered on March 28, 1997, and reset to today's Calendar.

On motion, House Bill No. 1265 was made to conform with **Senate Bill No. 1661**; the Senate Bill was substituted for the House Bill.

Rep. Westmoreland moved that Senate Bill No. 1661 be passed on third and final consideration.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

Rep. Westmoreland moved that **Senate Bill No. 1661** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	94
Noes .....	0
Present and not voting.....	3

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

Representatives present and not voting were: Brooks, Brown, Towns -- 3.

A motion to reconsider was tabled.

**House Bill No. 1089** -- Tennessee Regulatory Authority - Changes designation from "directors of Tennessee regulatory authority" to "commissioners"; changes designation of "executive secretary" to "executive director." Amends TCA Title 65, Chapter 2, Part 1. by \*Halteman Harwell. (\*SB1602 by \*Gilbert, \*Atchley, \*Crutchfield, \*Elsea, \*Haynes)

Further consideration of House Bill No. 1089, previously considered on March 28, 1997, and reset to today's Calendar.

Rep. Halteman Harwell moved that House Bill No(s). 1089 be reset for the Regular Calendar on May 22, 1997, which motion prevailed.

**\*House Bill No. 899** -- Juvenile Offenders - Permits use of two or more juvenile dispositions if delinquent acts would have been felonies if committed by adult Amends TCA Title 37 and Title 40, Chapter 35. by \*Fitzhugh. (SB1922 by \*Springer)

Rep. Fitzhugh moved that House Bill No. 899 be passed on third and final consideration.

Rep. Turner (Hamilton) moved adoption of Children and Family Affairs Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 899 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 37-1-103, is amended by adding the following language as a new, appropriately designated subsection:

( ) Proceedings in which a parent or legal guardian is alleged to have violated parental responsibilities pursuant to Section 2 of this act.

SECTION 2. Tennessee Code Annotated, Title 37, Chapter 1, Part 1, is amended by adding the following language as a new, appropriately designated section:

(a) A person commits the offense of failing to supervise a child if that person is the parent or legal guardian of a child under sixteen (16) years of age and the child commits any delinquent or unruly act that brings the child within the jurisdiction of the juvenile court.

(b) In the prosecution of a person for the offense of failing to supervise a child, it is an affirmative defense that the person:

(1) Is the victim of the act that brings the child within the jurisdiction of the juvenile court; or

(2) Took reasonable steps to control the conduct of the child at the time the person is alleged to have failed to supervise the child.

(c) If the child is found to be unruly or delinquent and the juvenile court further finds that the parent or legal guardian violated Section 2(a) of this act, then the court may order the parent or legal guardian to do one or more of the following:

(1) Participate in the child's program of treatment and rehabilitation;

(2) Seek assistance from school officials, social service officials or other appropriate public or private resources and authorities to provide treatment and rehabilitation for the child; and/or

(3) Complete community service work individually or jointly with the child.

(d) If the parent or legal guardian violates or refuses to comply with the order of the juvenile court, then the parent or legal guardian may be held in contempt pursuant to Tennessee Code Annotated, Section 37-1-158; and the juvenile court may fine the parent or legal guardian up to fifty dollars (\$50.00), may incarcerate the parent or legal guardian in the county jail for up to ten (10) days or may impose both fine and incarceration.

(e) The provisions of this section shall not apply to the Tennessee department of children's services acting in its capacity as custodian or guardian of any child.

SECTION 3. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 4. This act shall take effect July 1, 1997, the public welfare requiring it.

Rep. Maddox moved the previous question on Amendment No. 1, which motion prevailed.

On motion, Amendment No. 1 was adopted.



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Rep. Langster moved the previous question, which motion prevailed by the following vote:

Ayes .....	80
Noes .....	7
Present and not voting .....	1

Representatives voting aye were: Armstrong, Arriola, Bird, Bittle, Bone, Boner, Boyer, Buck, Burchett, Caldwell, Clabough, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry J., Dunn, Ferguson, Ford, Fowlkes, Fraley, Givens, Godsey, Gunnels, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Kent, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Turner (Hamilton), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood -- 80.

Representatives voting no were: Beavers, Brooks, Brown, Chumney, Kernell, Towns, Turner (Shelby) -- 7.

Representatives present and not voting were: Bowers -- 1.

Rep. Fitzhugh moved that **House Bill No. 899** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	82
Noes .....	9
Present and not voting .....	4

Representatives voting aye were: Arriola, Beavers, Bird, Bittle, Bone, Boner, Boyer, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry J., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jones S., Kent, Kerr, Kisber, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Turner (Hamilton), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 82.

Representatives voting no were: Armstrong, Brooks, Brown, Cooper, Fowlkes, Kernell, Pruitt, Towns, Turner (Shelby) -- 9.

Representatives present and not voting were: Bowers, Jackson, Langster, McMillan -- 4.

A motion to reconsider was tabled.

**House Bill No. 1075** -- Taxes, Real Property - Requires reappraisal and equalization programs every five, instead of six, years; revises requirements during review cycle between reevaluations. Amends TCA Section 67-5-1005; Section 67-5-1601 and Section 67-5-1701. by \*Rinks, \*McDaniel. (\*SB1174 by \*Rochelle, \*Dixon, \*McNally)

Rep. Rinks moved that House Bill No. 1075 be passed on third and final consideration.

Rep. Kisber moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 1075 by deleting all language after the enacting clause and by substituting instead the following:

Section 1. Tennessee Code Annotated, Section 67-5-1601, is amended by deleting the first sentence of subsection (b)(1) and by substituting instead the following:

Reappraisal shall be accomplished in each county by a continuous six-year cycle comprised of an on-site review of each parcel of real property over a five-year period, or, upon approval of the state board of equalization, by a continuous four-year cycle comprised of an on-site review of each parcel of real property over a three-year period, followed by revaluation of all such property in the year following completion of the review period. Alternatively, if approved by the assessor and adopted by a majority vote of the county legislative body, the reappraisal program may be completed by a continuous five (5) year cycle comprised of an on-site review of each parcel of real property over a four (4) year period followed by revaluation of all such property in the year following completion of the review period. The board may consider a plan submitted by an assessor which would have the effect of maintaining real property values at full value as defined by law on a schedule at least as frequent as outlined in this section. In counties which have adopted a four or five year reappraisal cycle, there shall be no updating or indexing of values as there is in counties with a six-year cycle.

Section 2. Tennessee Code Annotated, Section 67-5-1601, is amended by deleting the existing language in subsection (d)(1)(A) in its entirety and by substituting instead the following:

(d)(1)(A) Subject to funding, the state shall pay a per-parcel grant to local governments to assist in the cost of reappraisal. Said grant shall be determined by the division of property assessments and approved by the board. Such funds shall be expended solely for the purpose for which the grant was made.

Section 3. Tennessee Code Annotated, Section 67-5-1601, is amended by deleting subsection (d)(1)(B) in its entirety and by substituting instead the following:

(d)(1)(B) The state grant for any county in a four- or five-year reappraisal program shall be limited to the amount, as determined by the division of property assessments, which would have been paid to the county had it remained on a six-year reappraisal program.

Section 4. Tennessee Code Annotated, Section 67-5-1601, is amended by deleting the language "sharable and non-sharable" wherever it appears in subsection (d)(2).

Section 5. Tennessee Code Annotated, Section 67-5-1601, is amended by deleting the language "state portion of the sharable local cost of reappraisal" in subsection (g) and by substituting instead the language "state grant for reappraisal".

Section 6. Tennessee Code Annotated, Section 67-5-1601, is amended by inserting the following language "including the power to specify or approve any proposed computer assisted appraisal system" at the end of the second sentence of subsection (d)(3).

Section 7. Tennessee Code Annotated, Section 67-5-1601, is amended by deleting the existing language in subsection (h) in its entirety and by substituting instead the following:

(h) The initial schedule of review and revaluation under this act shall be as determined by the board. The board may modify plans approved prior to the effective date of this act in order to immediately implement the provisions of this act for tax year 1997. The board may specify a four-, five- or six-year cycle for the initial scheduling of review and revaluation under this act, provided that approval of the county legislative body shall be required to remove a mid-cycle updating of values from an existing reappraisal plan and any revised plan longer than five (5) years shall include a mid-cycle updating of values pursuant to subsection (b).

Section 8. Tennessee Code Annotated, Section 67-5-1601, is amended by deleting the existing language in subsection (a) in its entirety and redesignating existing subsections accordingly.

Section 9. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Rinks moved that **House Bill No. 1075**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 95  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

**House Bill No. 1286** -- Economic and Community Development - Requires any grant program authorized to support creation and expansion of economic development efforts by community-based organizations to permit use of up to 5 percent of funds for administration of grant program. Amends TCA Title 13, Chapter 14, Part 2. by \*Pruitt, \*Bowers, \*Brooks, \*Brown. (\*SB421 by \*Dixon, \*Harper)

On motion, House Bill No. 1286 was made to conform with **Senate Bill No. 421**; the Senate Bill was substituted for the House Bill.

Rep. Pruitt moved that Senate Bill No. 421, be passed on third and final consideration.

On motion, Rep. Kisber withdrew Finance, Ways & Means Committee Amendment No. 1.

On motion, Rep. Kisber withdrew Finance, Ways & Means Committee Amendment No. 2.

Rep. Pruitt moved adoption of Amendment No. 3 as follows:

### **Amendment No. 3**

AMEND Senate Bill No. 421 by deleting from Section 1 the words "accounting expenses associated with the grant program" and by substituting instead the following:

the administration of the grant program, including but not limited to accounting expenses associated with the grant program

On motion, Amendment No. 3 was adopted.

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Rep. Pruitt moved that **Senate Bill No. 421**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	91
Noes .....	0
Present and not voting.....	2

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood -- 91.

Representatives present and not voting were: Boyer, Clabough -- 2.

A motion to reconsider was tabled.

**House Bill No. 1073** -- Children - Enacts "Parentage Act of 1997." Amends TCA Title 36, Chapter 2, Part 1 and Title 36, Chapter 2, Part 2. by \*McMillan. (\*SB747 by \*Cohen)

Rep. McMillan moved that House Bill No. 1073 be passed on third and final consideration.

Rep. Turner (Hamilton) moved adoption of Children & Family Affairs Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 1073 by designating the language of § 36-1-112 of the amendatory language of SECTION 1 as subsection "(a)" and by adding the following new language, to be designated as subsection "(b)":

(b) The department may apply for and utilize any federal grants for the purpose of implementing a pilot project for access and visitation programs. The department may contract with other persons or entities to establish the pilot projects which will be administered by the department; provided, however, in establishing any such pilot project through contract, the department shall give preference to existing family preservation services programs, family resource centers, headstart programs and other established programs for children.

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On motion, Amendment No. 1 was adopted.

Rep. Turner (Hamilton) moved adoption of Children & Family Affairs Committee Amendment No. 2 as follows:

**Amendment No. 2**

AMEND House Bill No. 1073 by deleting from § 36-2-101 of the amendatory language of SECTION 1 the figures and symbols "68-2-302" and by substituting instead the figures and symbols "68-3-302".

AND FURTHER AMEND by deleting from § 36-2-105 of the amendatory language of SECTION 1 the figures and symbols "68-2-302" and by substituting instead the figures and symbols "68-3-302".

AND FURTHER AMEND by deleting from § 36-2-118 of the amendatory language of SECTION 1 the figures, word and symbols "68-3-203 or" and by substituting instead the figures, word and symbols "68-3-302 or".

On motion, Amendment No. 2 was adopted.

Rep. Turner (Hamilton) moved adoption of Children & Family Affairs Committee Amendment No. 3 as follows:

**Amendment No. 3**

AMEND House Bill No. 1073 by deleting § 36-2-106(b) of Section 1 and by substituting instead the following:

(b) An action to establish parentage may be brought on behalf of a child in whose behalf a paternity action could have brought under this chapter on August 16, 1984, but for whom no such action was brought, or for whom a paternity action was brought but was dismissed because the previous more restrictive statute of limitations was then in effect. Nothing herein shall be construed to permit the filing of any paternity action after the statute of limitations established by subsection (a).

On motion, Amendment No. 3 was adopted.

Rep. Turner (Hamilton) moved adoption of Children & Family Affairs Committee Amendment No. 4 as follows:

**Amendment No. 4**

AMEND House Bill No. 1073 by deleting § 36-2-104(c) of the amendatory language of SECTION 1 and by relettering subsequent subsections accordingly.

On motion, Amendment No. 4 was adopted.

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Rep. Turner (Hamilton) moved adoption of Children & Family Affairs Committee Amendment No. 5 as follows:

**Amendment No. 5**

AMEND House Bill No. 1073 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_\_. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

On motion, Amendment No. 5 was adopted.

Rep. Turner (Hamilton) moved adoption of Children & Family Affairs Committee Amendment No. 6 as follows:

**Amendment No. 6**

AMEND House Bill No. 1073 by deleting the semi-colon ";" at the end of § 36-2-109(a)(1) of the amendatory language of SECTION 1 and by substituting instead the following:

; or

AND FURTHER AMEND by deleting the semi-colon ";" at the end of § 36-2-109(a)(2) of the amendatory language of SECTION 1 and by substituting instead the following:

; and

On motion, Amendment No. 6 was adopted.

Rep. McMillan moved that **House Bill No. 1073**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 96  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley,

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West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

**House Bill No. 407** -- Environment and Conservation, Department of - Enacts "Tennessee Lead Based Paint Abatement Training Certification Program of 1997.", by \*Bowers, \*Jones U (Shelby), \*Miller L, \*Brooks, \*Cole (Dyer), \*McKee, \*Fitzhugh, \*Cross, \*Pruitt, \*Brown. (\*SB414 by \*Dixon)

On motion, House Bill No. 407 was made to conform with **Senate Bill No. 414**; the Senate Bill was substituted for the House Bill.

Rep. Bowers moved that Senate Bill No. 414, be passed on third and final consideration.

On motion, Rep. Kisber withdrew Finance, Ways & Means Committee Amendment No. 1.

Rep. Bowers moved that **Senate Bill No. 414** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	96
Noes .....	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

**\*House Bill No. 94** -- Local Government, General - Requires local governments to act in most cost efficient manner possible Amends TCA Titles 5; 6; 7; 13; 54; 57; 67; 68 and 69. by \*Haley, \*Jones, S.. (SB549 by \*Haun)

Rep. Haley moved that House Bill No. 94 be passed on third and final consideration.

Rep. Robinson moved adoption of Transportation Committee Amendment No. 1 as follows:



**Amendment No. 1**

AMEND House Bill No. 94 by adding the following as a new section immediately before the effective date and by redesignating the effective date section accordingly:

SECTION\_\_\_\_. Tennessee Code Annotated, Section 54-17-114 (a)(1), is amended by adding the following language as a new appropriately designated subdivision:

( ) That segment of State Route 385 (Nonconnah Parkway) in Shelby County from its intersection, with U.S. Highway 72 to Interstate 240, but excluding any part of such segment of Route 385 which has property fronting on such route that is zoned on the effective date of this act with the commercial designation of CL, CH or CP or the industrial designation of IL or IH under the Shelby County or City of Memphis zoning ordinances.

On motion, Amendment No. 1 was adopted.

Rep. Haley moved that Amendment No. 2 be withdrawn, which motion prevailed.

Rep. Haley moved that **House Bill No. 94**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 96  
Noes..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

**House Bill No. 1403** -- Bail, Bail Bonds - Restricts bail bondsman continuing education requirement to person qualified as bondsman; changes date within which certificate of compliance for continuing education requirement must be filed from July 15, 1997 to January 1, 1998 Amends TCA Title 40, Chapter 11. by \*Buck. (\*SB16 by \*Person)

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On motion, House Bill No. 1403 was made to conform with **Senate Bill No. 16**; the Senate Bill was substituted for the House Bill.

Rep. Buck moved that Senate Bill No. 16, be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND Senate Bill No. 16 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section\_\_\_\_. Tennessee Code Annotated, Section 40-11-401, is further amended by deleting the last sentence thereof and substituting instead the following:

Agents holding limited insurance representative licenses are expressly excluded from the provisions of this part until July 15, 1998, at which time they shall be required to submit their first annual certificate of compliance.

On motion, Amendment No. 1 was adopted.

Rep. Buck moved that **Senate Bill No. 16**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	95
Noes .....	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

**House Bill No. 1014** -- Environmental Preservation - Mandates use of "general state revenue to fees" ratio to establish fees for environmental protection fund, based on fiscal year 1994-1995. Amends TCA Section 68-203-104. by \*Curtiss. (\*SB819 by \*Rochelle)

Rep. Curtiss moved that House Bill No. 1014 be passed on third and final consideration.

Rep. Cross moved adoption of Conservation and Environment Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 1014 by deleting Section 1 in its entirety and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 68-203-104, is amended by adding the following as a new subsection to be appropriately designated:

( ) For each regulatory program under each statute listed in § 68-203-101(b), the commissioner of finance and administration shall determine, with respect to fiscal year 1994-95, the ratio between the general fund state appropriations expended by that program and the environmental protection fund fees expended by that program. In fiscal year 1997-98 and each subsequent fiscal year, no promulgating authority shall establish a fee schedule to increase revenues for any environmental regulatory program that results in a ratio between general fund state appropriations and environmental protection fund fees in which the environmental protection fund fees constitute a higher percentage of the total funds expended by that regulatory program than they did in fiscal year 1994-95.

On motion, Amendment No. 1 was adopted.

Rep. Curtiss moved that **House Bill No. 1014**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 96  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odum, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

**House Bill No. 767** -- Public Records - Makes confidential ambulance records pertaining to a response by an ambulance service or invalid vehicle operator during which time patient evaluated, treated, or transported. Amends TCA Title 68, Chapter 140, Part 5. by \*Jackson, \*Buck, \*Caldwell. (\*SB1340 by \*Cooper, \*Ramsey, \*Crutchfield)

On motion, House Bill No. 767 was made to conform with **Senate Bill No. 1340**; the Senate Bill was substituted for the House Bill.

Rep. Jackson moved that Senate Bill No. 1340 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND Senate Bill No. 1340 by deleting the language ""ambulance service provider;" from the fourth sentence of subsection (D) of Section 69-140-5\_\_\_\_ of SECTION 2 and substituting instead the language "ambulance service provider but shall not include the dispatch log;"

On motion, Amendment No. 1 was adopted.

Rep. Jackson moved that **Senate Bill No. 1340**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	95
Noes .....	0
Present and not voting.....	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odum, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

Representatives present and not voting were: Curtiss -- 1.

A motion to reconsider was tabled.

**House Bill No. 679** -- Medical Occupations - Authorizes the Tennessee Ambulance Services Association to nominate 2 operators of ambulance services who maintain certification as EMT or EMT-P to serve upon the emergency medical services board. Amends TCA Title 68, Chapter 140, Part 5. by \*Ridgeway, \*Jackson, \*Jones U (Shelby), \*Caldwell. (\*SB509 by \*Springer)

On motion, House Bill No. 679 was made to conform with **Senate Bill No. 509**; the Senate Bill was substituted for the House Bill.

Rep. Ridgeway moved that Senate Bill No. 509 be passed on third and final consideration.

Rep. Langster moved adoption of State and Local Government Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND Senate Bill No. 509 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION \_\_\_\_ Tennessee Code Annotated, Section 68-140-503(c), is amended by designating the existing language as subdivision (1) and by adding the following new subdivision:

(2) After the effective date of this act, as a vacancy occurs or as a term expires, the governor shall make appointments so that the board is structured as follows:

(A) Four (4) members shall be residents of the eastern grand division;

(B) Four (4) members shall be residents of the middle grand division;

(C) Four (4) members shall be residents of western grand division; and

(D) One (1) member shall be an at large member.

The nominating state professional organizations shall submit names that satisfy the residency criteria of this subdivision.

On motion, Amendment No. 1 was adopted.

Rep. Ridgeway moved that **Senate Bill No. 509**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 96  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

**\*House Bill No. 336 --** Juvenile Offenders - Requires restitution of ten times amount of damage if juvenile found to be delinquent based upon conduct constituting criminal offense of vandalism, parents jointly and severally liable for payment of restitution in such amount. Amends TCA Section 37-1-131. by \*Ridgeway, \*Ferguson. (SB1231 by \*Herron)

Rep. Ridgeway moved that House Bill No. 336 be passed on third and final consideration.

On motion, Rep. Turner (Hamilton) withdrew Children and Family Affairs Committee Amendment No. 1.

Rep. Turner (Hamilton) moved adoption of Children and Family Affairs Amendment No. 3 as House Amendment No. 2 as follows:

#### **Amendment No. 2**

AMEND House Bill No. 336 by deleting Section 1 and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 37-1-131(b), is amended by designating the current language as subdivision "(b)(1)" and by adding the following new language, to be designated as subdivision "(b)(2)":

(2) However, if the child is found to be delinquent based upon conduct which constitutes the offense of vandalism, as set forth in § 39-14-408, then, as part of the same hearing, evidence of property damage actually sustained by the property owner shall be presented to the court which shall then determine the total amount, if any, of such damages. Notwithstanding the provisions of Title 37, Chapter 10, Part 1, or any other law to the contrary, the court shall then render judgment in such amount, [but in no case shall such amount exceed ten thousand dollars (\$10,000)], against the child in favor of the property owner and shall order the child and the child's parents or

guardians to make compensatory restitution for such amount for the act of vandalism. If the conduct of the child was especially malicious or reflective of recidivistic delinquency, then the court may also order the child and the child's parents or guardians to make punitive restitution; provided, however, the combined amount of compensatory restitution and punitive restitution shall not exceed treble property damages or thirty thousand dollars (\$30,000), whichever is less. The amount of any punitive restitution may, in the discretion of the court, be reduced or eliminated conditionally based upon the successful completion of community service to be jointly performed by the child and the child's parents or guardians and/or participation in family and parenting skills counseling or classes to be jointly attended by the child and the child's parents or guardians. Notwithstanding the provisions of Title 37, Chapter 10, Part 1, or any other law to the contrary, the child and the child's parents or guardians shall be vicariously liable for payment of compensatory restitution and punitive restitution. Execution of such judgment, and the orders of restitution, shall issue as in civil cases. Sanctions imposed pursuant to this subdivision shall be in addition to such other sanctions as may be imposed pursuant to this chapter. Unless a policy holder has specifically contracted with his or her insurance company for insurance coverage under such circumstances, it shall be contrary to the public policy of this state for any insurance company to pay restitution, ordered pursuant to this subdivision, on behalf of any child and/or the child's parents or guardians or to reimburse a child and/or the child's parents or guardians for any restitution ordered pursuant to this subdivision and paid by such child and/or parents or guardians.

Rep. Arriola moved the previous question on Amendment No. 2, which motion prevailed.

On motion, Amendment No. 2 was adopted by the following vote:

Ayes.....	68
Noes .....	12
Present and not voting.....	2

Representatives voting aye were: Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cross, Curtiss, Davidson, Davis, Dunn, Eckles, Ferguson, Fitzhugh, Ford, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hassell, Hicks, Hood, Kent, Kerr, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, Newton, Patton, Phelan, Phillips, Pinion, Pleasant, Rhinehart, Ridgeway, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Tidwell, Tindell, Turner (Hamilton), Walley, West, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 68.

Representatives voting no were: Armstrong, Brooks, Brown, Kernell, Miller, Mumpower, Pruitt, Stulce, Towns, Turner (Shelby), Walker, Westmoreland -- 12.

Representatives present and not voting were: Fowlkes, McMillan -- 2.

A motion to reconsider was tabled.

Rep. Jackson moved adoption of Amendment No. 3 as follows:

**Amendment No. 3**

AMEND House Bill No. 336 by deleting SECTION 1 of Children and Family Affairs Committee Amendment No. 3 and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 37-1-131(b), is amended by designating the current language as subdivision "(b)(1)" and by adding the following new language, to be designated as subdivision "(b)(2)":

(2) However, if the child is found to be delinquent based upon conduct which constitutes the offense of vandalism, as set forth in § 39-14-408, then, as part of the same hearing, evidence of property damage actually sustained by the property owner shall be presented to the court which shall then determine the total amount, if any, of such damages. Notwithstanding the provisions of Title 37, Chapter 10, Part 1, or any other law to the contrary, the court shall then render judgment in such amount, [but in no case shall such amount exceed ten thousand dollars (\$10,000)], against the child in favor of the property owner and shall order the child and/or the child's parents or guardians to make compensatory restitution for such amount for the act of vandalism. If the conduct of the child was especially malicious or reflective of recidivistic delinquency, then the court may also order the child and/or the child and the child's parents or guardians to make punitive restitution; provided, however, the combined amount of compensatory restitution and punitive restitution shall not exceed treble property damages or thirty thousand dollars (\$30,000), whichever is less. The amount of any punitive restitution ordered may, in the discretion of the court, be reduced or eliminated conditionally based upon the successful completion of community service to be performed by the child and/or the child's parents or guardians and/or participation in family and parenting skills counseling or classes. Notwithstanding the provisions of Title 37, Chapter 10, Part 1, or any other law to the contrary, if the court orders the child's parents or guardians to make compensatory or punitive restitution, then the child's parents or guardians shall be vicariously liable for payment of compensatory restitution or punitive restitution. Execution of such judgment, and the orders of restitution, shall issue as in civil cases. Sanctions imposed pursuant to this subdivision shall be in addition to such other sanctions as may be imposed pursuant to this chapter. Unless a policy holder has specifically contracted with his or her insurance company for insurance coverage under such circumstances, it shall be contrary to the public policy of this state for any insurance company to pay restitution, ordered pursuant to this subdivision, on behalf of any child and/or the child's parents or guardians or to reimburse a child and/or the child's parents or



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guardians for any restitution ordered pursuant to this subdivision and paid by such child and/or parents or guardians.

On motion, Amendment No. 3 was adopted.

Rep. Fowlkes moved adoption of Amendment No. 4 as follows:

**Amendment No. 4**

AMEND House Bill No. 336 by adding the following new paragraph to the end of subdivision (2) of the amendatory language of SECTION 1 as amended by Children and Family Affairs Committee Amendment No. 3:

In the order appointing a guardian for a child, the court may specifically exempt such guardian or guardians from any liability imposed against the child's parents or guardians by the provisions of this subdivision.

Rep. Ridgeway requested that House Bill No. 336 be moved to the heel of the Calendar.

**House Bill No. 1147** -- Motor Vehicles, Titling and Registration - Requires registration plates to specify county of issue or county of residence of vehicle owner. Amends TCA Title 4; Title 55, Chapters 3 and 4. by \*Odom, \*Phelan, \*Ridgeway, \*Roach, \*Davis R. (\*SB702 by \*McNally)

Rep. Williams moved that House Bill No(s). 1147 be reset for the Regular Calendar on Wednesday, May 7, 1997, which motion prevailed.

**\*House Bill No. 1788** -- Employees, Employers - Defines 14 hours instead of 12 as "reasonable time" from date of cessation of employment, in which employee must withdraw from premises of employer, whether such severance is voluntary or due to discharge. Amends TCA Title 50, Chapter 1, Part 3. by \*Odom. (SB1864 by \*Herron)

Rep. Williams moved that House Bill No(s). 1788 be reset for the Regular Calendar on Wednesday, May 7, 1997, which motion prevailed.

**House Bill No. 1429** -- Housing - Restricts availability of tax increment financing to housing authority properties actually constructed with such financing and leased to private entity. Amends TCA Section 13-20-205. by \*McAfee. (\*SB1559 by \*Crutchfield)

Further consideration of House Bill No. 1429, previously considered on April 24, 1997, and April 30, 1997, and reset to today's Calendar.

On motion, House Bill No. 1429 was made to conform with **Senate Bill No. 1559**; the Senate Bill was substituted for the House Bill.

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Rep. McAfee moved that Senate Bill No. 1559 be passed on third and final consideration.

Rep. McAfee moved adoption of Amendment No. 1 as follows:

**Amendment No. 1**

AMEND Senate Bill No. 1559 by deleting the amendatory language of Section 1 in its entirety and by substituting instead the following:

After June 1, 1997, the foregoing provisions of this subsection shall apply only to property financed with tax increment financing. Prior to such date, any property owned, constructed, or improved by the authority which is not financed through tax increment financing shall have the same tax status as all other property owned by the authority.

On motion, Amendment No. 1 was adopted by the following vote:

Ayes .....	65
Noes .....	9
Present and not voting .....	7

Representatives voting aye were: Arriola, Bird, Bittle, Bone, Boyer, Brown, Buck, Burchett, Clabough, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis, Dunn, Eckles, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hassell, Head, Hicks, Hood, Jackson, Kent, Kerr, Lewis, McAfee, McDaniel, McDonald, McKee, Mumpower, Newton, Odom, Patton, Phillips, Pinion, Pleasant, Rhinehart, Ritchie, Roach, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Turner (Shelby), Walker, Walley, West, Westmoreland, Whitson, Williams, Windle, Winningham, Wood -- 65.

Representatives voting no were: Boner, Bowers, Chumney, Kernell, Miller, Phelan, Rinks, Towns, Turner (Hamilton) -- 9.

Representatives present and not voting were: Beavers, Caldwell, Cross, Ferguson, Maddox, McMillan, Ridgeway -- 7.

A motion to reconsider was tabled.

Rep. Turner (Hamilton) moved adoption of Amendment No. 2 as follows:

**Amendment No. 2**

AMEND Senate Bill No. 1559 by deleting the amendatory language of Section 1 in its entirety and by substituting instead the following:

The foregoing provisions of this subsection shall also apply to property financed with tax increment financing after June 1, 1997; provided, however, any property owned, constructed or improved by the authority, which is financed through tax increment financing prior to June 1,

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1997, shall have the same tax status as all other property owned by the authority.

Rep. McAfee moved that Amendment No. 2 be tabled, which motion prevailed by the following vote:

Ayes .....	53
Noes .....	28
Present and not voting .....	7

Representatives voting aye were: Beavers, Bird, Bittle, Bone, Boyer, Brown, Buck, Burchett, Clabough, Cole (Carter), Curtiss, Davidson, Davis, Dunn, Ford, Fraley, Godsey, Goins, Gunnels, Haley, Hargett, Hassell, Head, Hicks, Hood, Jackson, Kent, Kerr, Lewis, McAfee, McDaniel, McDonald, McKee, Mumpower, Newton, Patton, Phillips, Pinion, Pleasant, Rhinehart, Roach, Sands, Scroggs, Sharp, Stamps, Tidwell, Turner (Shelby), Walker, West, Westmoreland, White, Whitson, Wood -- 53.

Representatives voting no were: Armstrong, Arriola, Boner, Bowers, Chumney, Cooper, Cross, DeBerry J., Eckles, Fitzhugh, Halteman-Harwell, Hargrove, Jones S., Kernell, Kisber, Langster, Maddox, McMillan, Miller, Phelan, Pruitt, Ridgeway, Rinks, Stulce, Tindell, Turner (Hamilton), Williams, Windle -- 28.

Representatives present and not voting were: Caldwell, Ferguson, Fowlkes, Givens, Ritchie, Towns, Winningham -- 7.

Rep. McAfee moved that **Senate Bill No. 1559**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	63
Noes .....	8
Present and not voting .....	15

Representatives voting aye were: Arriola, Beavers, Bird, Bittle, Bone, Boyer, Brown, Buck, Burchett, Clabough, Cole (Carter), Davidson, Davis, Dunn, Ford, Fowlkes, Fraley, Godsey, Goins, Gunnels, Haley, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, Mumpower, Newton, Patton, Phelan, Phillips, Pinion, Pleasant, Rhinehart, Roach, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Turner (Shelby), Walker, Walley, West, Westmoreland, Whitson, Williams, Wood -- 63.

Representatives voting no were: Armstrong, Boner, Bowers, Chumney, Eckles, Miller, Turner (Hamilton), Windle -- 8.

Representatives present and not voting were: Brooks, Caldwell, Cross, Ferguson, Givens, Halteman-Harwell, Maddox, McMillan, Ridgeway, Rinks, Ritchie, Tindell, Towns, White, Winningham -- 15.

A motion to reconsider was tabled.

**House Bill No. 665** -- Contractors - Requires licensure of home inspection contractors and to pay fee set by board. Amends TCA Title 62, Chapter 6. by \*Bowers. (\*SB872 by \*Haun)

Further consideration of House Bill No. 665, previously considered on April 30, 1997, at which time House Amendment No. 1 was withdrawn, and reset to today's Calendar.

Rep. Bowers moved that House Bill No. 665 be passed on third and final consideration.

Rep. Rhinehart moved adoption of Commerce Committee Amendment No. 1 as House Amendment No. 2 as follows:

**Amendment No. 2**

AMEND House Bill No. 665 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 62, Chapter 6, is amended by adding the following new section:

Section \_\_\_\_.

(a) No person, firm or corporation shall offer to perform or perform new inspection services for a fee without having first obtained:

(1) A contractor's license from the board; or

(2) Certification as a fire prevention or building official under §68-120-113; or

(3) Certification by the Southern Building Code Congress International or any other national professional building code organization; or

(4) Certification by the Home Inspectors of Tennessee Association, Inc.

(b) For the purposes of this section, "new inspection services" means the examination and evaluation of the structural and aesthetic features of new residential, commercial and industrial buildings. "New inspection services" does not include any work which is within the scope of practice of architecture or engineering as defined in Title 62, Chapter 2, or any work which is within the scope of building code enforcement as defined in Title 68, Chapter 120.

(c) A violation of this section is a Class C misdemeanor.

SECTION 2. This act shall take effect July 1, 1997, the public welfare requiring it.

On motion, Amendment No. 2 was adopted.

Rep. Hargett requested that Amendment(s) No(s). 3 and 4 be moved to the heel of the Amendments.

Rep. Bowers moved that Amendment No. 5 be withdrawn, which motion prevailed.

Rep. McDaniel moved that Amendment No. 6 be withdrawn, which motion prevailed.

Rep. Bowers moved that Amendment No. 7 be withdrawn, which motion prevailed.

Rep. Windle moved adoption of Amendment No. 8 as follows:

**Amendment No. 8**

AMEND House Bill No. 665 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_\_. The provisions of this act shall not apply in counties having a population, according to the 1990 federal census or any subsequent federal census of:

not less than:

14,650  
17,250  
17,600  
47,000

nor more than:

15,000  
17,550  
18,000  
47,500

On motion, Amendment No. 8 was adopted.

Rep. Rhinehart moved adoption of Amendment No. 9 as follows:

**Amendment No. 9**

AMEND House Bill No. 665 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_\_. The provisions of this act shall not apply in counties having a population, according to the 1990 federal census or any subsequent federal census of:

not less than

4,800  
8,600  
9,650  
13,100  
24,600  
32,900

nor more than

5,100  
8,900  
10,000  
13,370  
24,900  
33,000

On motion, Amendment No. 9 was adopted.

Rep. Fowlkes moved adoption of Amendment No. 10 as follows:

**Amendment No. 10**

AMEND House Bill No. 665 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_\_. The provisions of this act shall not apply in counties having a population, according to the 1990 federal census or any subsequent federal census of:

not less than

21,400  
25,700  
28,100

nor more than

21,700  
26,000  
28,400

On motion, Amendment No. 10 was adopted.

Rep. Bowers moved adoption of Amendment No. 11 as follows:

**Amendment No. 11**

AMEND House Bill No. 665 by changing the period at the end of subsection (a)(3) of the amendatory language of Section 1 to a semi-colon and adding the word "or", and by adding the following language as a new subdivision:

(5) Certification by the American Society of Home Inspectors, Inc.

AND FURTHER AMEND by deleting in its entirety the first sentence of subsection (b) of the amendatory language of Section 1 and by substituting instead the following language;

For the purpose of inspections performed by a person, firm or corporation licensed or certified in accordance with subsection (a)(1), (2) or (3), "new inspection services" means the examination and evaluation of the structural and aesthetic features of new residential, commercial and industrial buildings. For the purpose of inspections performed by a person,

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firm or corporation certified in accordance with subsection (a)(4) or (a)(5),  
"new inspection services" means the examination and evaluation of the  
structural and aesthetic features only of new residential buildings.

AND FURTHER AMEND in Section 1(b) by deleting the language  
"architecture or engineering as defined in Title 62, Chapter 2" and substituting instead  
the language "architecture, engineering, or landscape architecture or is performed by a  
person qualified to use the title "registered interior designer", all as defined in Title 62,  
Chapter 2, or any work performed by a real estate appraiser under Title 62, Chapter 39.

On motion, Amendment No. 11 was adopted.

Rep. Lewis moved adoption of Amendment No. 12 as follows:

**Amendment No. 12**

AMEND House Bill No. 665 by adding the following new section immediately  
preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_\_. The provisions of this act shall not apply in counties  
having a population, according to the 1990 federal census or any  
subsequent federal census of:

not less than

nor more than

40,200

40,500

On motion, Amendment No. 12 was adopted.

Rep. Phillips moved adoption of Amendment No. 13 as follows:

**Amendment No. 13**

AMEND House Bill No. 665 by adding the following new section immediately  
preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_\_. The provisions of this act shall not apply in any county  
having a population of not less than thirty thousand two hundred (30,200)  
nor more than thirty thousand four hundred seventy-five (30,475) according  
to the 1990 federal census or any subsequent federal census.

On motion, Amendment No. 13 was adopted.

Rep. Hargrove moved adoption of Amendment No. 14 as follows:

**Amendment No. 14**

AMEND House Bill No. 665 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_\_. The provisions of this act shall not apply in any county having a population of not less than fifty-one thousand three hundred fifty (51,350) nor more than fifty-one thousand four hundred fifty (51,450) according to the 1990 federal census or any subsequent federal census.

On motion, Amendment No. 14 was adopted.

Rep. Hargett moved that Amendment No. 3 and 4 be withdrawn, which motion prevailed.

Rep. Bowers moved that House Bill No(s). 665 be reset for the Regular Calendar on Monday, April 5, 1997, which motion prevailed.

**\*House Bill No. 336 --** Juvenile Offenders - Requires restitution of ten times amount of damage if juvenile found to be delinquent based upon conduct constituting criminal offense of vandalism, parents jointly and severally liable for payment of restitution in such amount. Amends TCA Section 37-1-131. by \*Ridgeway, \*Ferguson. (SB1231 by \*Herron)

Rep. Ridgeway moved that House Bill No(s). 336 be reset for the Regular Calendar on Wednesday, May 7, 1997, which motion prevailed.

**MESSAGE CALENDAR**

**HOUSE ACTION ON SENATE MESSAGE**

**Senate Bill No. 1655 --** Weights and Measures - Enacts "Testing and Sealing -- Use of Weights and Measures." Amends TCA Title 47, Chapter 26. by \*Jordan, \*Elsea, \*McNally, \*Atchley, \*Person, \*Koeila, \*Carter, \*Ramsey, \*Leatherwood, \*Gilbert, \*Miller J, \*Fowler. (\*HB1249 by \*Boyer, \*Haley, \*Hargett, \*Pleasant, \*McDaniel, \*Stamps, \*Walley, \*Ford S, \*Wood, \*Patton, \*Kerr, \*Beavers, \*Kent, \*Bird, \*Clabough, \*McKee, \*Sargent, \*Newton, \*Scroggs, \*Godsey, \*Walker, \*McAfee, \*Mumpower, \*Roach)

Rep. Boyer moved that the House refuse to recede from its action in adopting House Amendment(s) No(s). 2 and 3, which motion prevailed.



UNFINISHED BUSINESS

RULES SUSPENDED

Rep. Pruitt moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 238 out of order, which motion prevailed.

**House Joint Resolution No. 238 -- Naming and Designating - "SAFE KIDS WEEK",**  
May 10-18, 1997. by \*Pruitt.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Pruitt, with the request that all members voting aye be added as sponsors, the resolution was adopted by the following vote:

Ayes.....	93
Noes .....	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Cross moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 240 out of order, which motion prevailed.

**House Joint Resolution No. 240 -- Memorials, Public Service - Robert Lee Sharp,**  
"Citizen of the Year" in Tennessee. by \*Cross, \*Goins.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Cross, the resolution was adopted.

A motion to reconsider was tabled.

**NOTICE TO ACT ON SENATE MESSAGES**

Pursuant to Rule No. 59, notice was given that the following measure(s) from the Senate would be considered on May 5, 1997:

**House Bill No. 529:** by Rep. McMillan

**House Bill No. 622:** by Rep. L. DeBerry

**House Bill No. 1106:** by Rep. McAfee

**House Bill No. 810:** by Rep. Beavers

**House Bill No. 1165:** by Rep. Chumney

**House Bill No. 345:** by Rep. Pruitt

**SPONSORS ADDED**

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Joint Resolution No. 74:** Rep(s). Boner as prime sponsor(s).

**House Bill No. 798:** Rep(s). Stamps, Godsey, Mumpower and Goins as prime sponsor(s).

**House Bill No. 799:** Rep(s). Stamps, Godsey, Goins and Mumpower as prime sponsor(s).

**House Bill No. 800:** Rep(s). Stamps, Godsey, Goins and Mumpower as prime sponsor(s).

**House Bill No. 1413:** Rep(s). Langster as prime sponsor(s).

**MESSAGE FROM THE SENATE**

**May 1, 1997**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 291, 342, 431, 566, 594, 596, 998, 1688 and 1936; all passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**\*Senate Bill No. 291** -- Health - Enacts "Tennessee HIV Pregnancy Screening Act.". by \*Harper.

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**\*Senate Bill No. 342** -- Workers' Compensation - Makes removal of safety device or warning where person is injured or killed Class A misdemeanor. Amends TCA Title 39, Chapter 17, Part 1. by \*Haynes.

**\*Senate Bill No. 431** -- Taxes, Inheritance Gift - Authorizes residuary beneficiaries of estate and beneficiaries of trust to inspect tax return of such estate or trust. Amends TCA Title 67. by \*Fowler.

**\*Senate Bill No. 566** -- Insurance Companies, Agents, Brokers - Clarifies that financing or refinancing transactions do not require notification of title insurance availability. Amends TCA Title 56, Chapter 35. by \*Wilder, \*Atchley, \*Koella, \*Haynes, \*Womack, \*Rochelle, \*Henry, \*Gilbert.

**\*Senate Bill No. 594** -- Crime, Victims of - Includes terrorism abroad as compensable criminal injury; limits one convicted of federal offense from receiving award under Criminal Injuries Compensation Act. Amends TCA Section 29-13-104; Section 29-13-105 and Section 29-13-109(d). by \*Kyle, \*Haynes, \*Burks.

**\*Senate Bill No. 596** -- Banks and Financial Institutions - Expands local government regulatory authority over pawnbrokers. Amends TCA Title 45, Chapter 6. by \*Kyle, \*Dixon.

**\*Senate Bill No. 998** -- DUI/DWI Offenses - Clarifies that subsequent violations of DUI law within ten years are to be considered when determining whether offender is multiple offender. Amends TCA Title 55, Chapter 10, Part 4. by \*Fowler, \*Crowe, \*Person, \*Ramsey, \*Williams.

**Senate Bill No. 1688** -- Health - Requires testing of newborns for streptococcus B prior to discharge from hospital or as determined by rule of commissioner of health; prohibits health insurance policies from excluding coverage for this service. Amends TCA Title 56 and Title 68. by \*Gilbert.

**Senate Bill No. 1936** -- Surplus Property - Rewrites surplus property disposition procedures; increases certain monetary limits for fair market values, annual rentals and minimum bonding amounts regarding administration and disposition of state property. Amends TCA Section 4-15-102(f)(2); Section 12-4-201 and Title 12, Chapter 2. Repeals TCA Section 29-17-1203. by \*McNally, \*Atchley, \*Jordan, \*Koella, \*Ramsey, \*Carter, \*Elsea, \*Person, \*Leatherwood, \*Crowe.

**REPORT OF CHIEF ENGROSSING CLERK  
May 1, 1997**

The following bill(s) have been transmitted to the Governor for his action: House Joint Resolution(s) No(s). 225 and 236.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**ENGROSSED BILLS**

**May 1, 1997**

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 94 and 1073, also, House Joint Resolution(s) No(s). 238 and 240.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**CONSENT CALENDAR**

**May 1, 1997**

The following local bills have been placed on the Consent Calendar for **May 5, 1997**: House Bill(s) No(s). 1940, 1979, 1980, 1981, 1987, 1988 and 1989.

**ROLL CALL**

The roll call was taken with the following results:

Present ..... 97

Representatives present were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

**RECESS MOTION**

On motion of Rep. Hargrove, the House recessed until 5:00 p.m., Monday, May 5, 1997.